



GETTYSBURG AREA SCHOOL DISTRICT

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MARLENE H. DORTCH, SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
9300 EAST HAMPTON DRIVE
CAPITOL HEIGHTS, MD 20743

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MAY 7 - 2007

FCC - MAILROOM

**Request for Waiver sent via fax transmission,
dated 5/2/2007, to 202-418-0187**

RE: **REQUEST FOR WAIVER**
CC Docket No: 02-6
CC Docket No: 96-45
SLD Form 471: **588195**

The Gettysburg Area School District requests a waiver of the FCC Form 471 filing window deadline for Fund Year 2007 (starting on July 1, 2007 and ending on June 30, 2008). As the USAC does not have the authority to waive this particular deadline, the petitioner has forwarded its appeal directly to the FCC.

BACKGROUND

The Gettysburg Area School District entered into two (2), five-year contracts for Wide Area Network services, which began with the 2004 funding year.

- ✓ The first service (leased, fiber-based network) was listed on a properly filed *Form 470: 532150000489047*, with a subsequent Contract Award Date of 02/04/2004.
- ✓ The second service (leased, fiber-based WAN link) was listed on a properly filed *Form 470: 318340000489042*, with a subsequent Contract Award Date of 01/25/2004.
- ✓ Funding requests were then filed and approved for Funding Years 2004, 2005, and 2006 (the first three years of the five year contract).

In early April of this year, it was determined that the two (2) required FRNs for these multi-year contracts had not been included with our FY2007 Form471s. While other, much needed FY2007 Form471s were properly filed, as usual, it was noted that the applicant's staff member was out of the office during the critical filing window – due to the birth of his child – thereby resulting in the unintentional oversight.

APPEAL

The Gettysburg Area School District realizes that they erred in not including these FRNs on our FY2007 Form471s, but respectfully requests the Commission to grant a waiver and permit these FRNs to be filed within the application window. We ask this based on the following reasons:

- 1) As this application related to a multi-year contract, the relevant staff members inadvertently failed to file the application forms in a timely manner.
- 2) The applicant's staff member was out of the office during this critical period, due to the birth of his child.
- 3) As the Commission found in the *Bishop Perry Order*, the petitioner submits that the violation in question is procedural, not substantive.¹

¹ *Bishop Perry Order*, 21 FCC Red at 5323, para. 14.

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5/10/07



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- 4) In addition, the petitioner also notes that the FCC recently granted over forty (40) such appeals – as outlined in the **Academy for Academic Excellence General Resolution** (DA 07-1180, dated March 9, 2007).
- 5) Like the applicants in the *Bishop Perry Order*, the petitioner further suggests that rigid adherence to filing procedures does not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.²

These FRNs represent a pre-discount total of \$66,000 in E-rate eligible services. Assuming a discount rate of 60%, this, in turn, would correspond to a loss of \$39,600 in E-rate reimbursements for the upcoming academic year. This is something our district would obviously hope to avoid, for the benefit of the children we serve.

As such, the Gettysburg Area School District respectfully enters this Request for Waiver for Funding Year 2007. If you have any questions, or require further information, please do not hesitate to contact us at your earliest convenience.

Thanking you in advance for your kind attention to this matter, we look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in cursive script, reading "Larry Redding", is written over the typed name.

Larry Redding
Assistant Superintendent
Gettysburg Area School District

² See 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

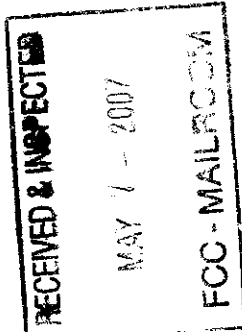
GETTYSBURG AREA SCHOOL DISTRICT
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Federal Communications Commission
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